

UNITED STATES DISTRICT COURT

FILED IN THE  
U.S. DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

Dec 08, 2021

SEAN F. MCAVOY, CLERK

for

Eastern District of Washington

U.S.A. vs. Mackinnon, Shane Allen Docket No. 0980 2:21CR00128-RMP-1

**Petition for Action on Conditions of Pretrial Release**

COMES NOW Erik Carlson, PRETRIAL SERVICES OFFICER, presenting an official report upon the conduct of defendant Shane Allen Mackinnon, who was placed under pretrial release supervision by the Honorable U.S. Magistrate Judge John, T. Rodgers sitting, in the Court at Spokane, Washington, on the 22<sup>nd</sup> day of September 2021, under the following conditions

**Standard Condition #1:** Defendant shall not commit any offense in violation of federal, state or local law. Defendant shall advise the supervising Pretrial Services Officer and defense counsel within one business of any charge, arrest, or contact with law enforcement. Defendant shall not work for the United States government or any federal or state law enforcement agency, unless Defendant first notifies the supervising Pretrial Services Officer.

**Standard Condition #9:** Defendant shall refrain from the use or unlawful possession of a narcotic drug or other controlled substances defined by 21 U.S.C. § 802, unless prescribed by a licensed medical practitioner in conformance with Federal law. Defendant may not use or possess marijuana, regardless of whether Defendant has been authorized medical marijuana under state law.

RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS:

**Violation #4:** Shane Allen Mackinnon is alleged to have violated the conditions of pretrial release supervision by being arrested for unlawful imprisonment - domestic violence and fourth degree assault - domestic violence on December 7, 2021.

On September 27, 2021, the undersigned officer reviewed the conditions of pretrial release supervision with Mr. Mackinnon. Mr. Mackinnon acknowledged an understanding of the conditions, which included standard condition number 1.

The following information was gathered from the undersigned officer's communication with a concerned citizen and Spokane County Sheriff's Office, case number 2021-10161303.

On December 7, 2021, the undersigned officer received a telephone call from the mother (the mother) of Mr. Mackinnon's girlfriend (the girlfriend). She reported having a telephone conversation with the girlfriend earlier on that date. The mother advised Mr. Mackinnon had swallowed some prescription pills and was threatening suicide. Additionally, the mother stated she could hear glass breaking in the background. She was concerned that her daughter may be involved in a domestic violence incident with Mr. Mackinnon. The mother was not in the Spokane area so she was unable to contact 911 to report this incident. Subsequently, the undersigned officer contacted Spokane County 911 and reported the alleged incident between Mr. Mackinnon and his girlfriend, as well as his suicidal ideation.

Subsequently, Spokane County Sheriff's Office (SCSO) deputies responded to Mr. Mackinnon's residence. Deputies contacted Mr. Mackinnon's girlfriend. She advised she and Mr. Mackinnon had been fighting since the day prior. Mr. Mackinnon allegedly became upset with her, took her cellular telephone and threw it across the room. The girlfriend then dropped Mr. Mackinnon's laptop, which reportedly made him upset. Mr. Mackinnon then threatened to commit suicide by overdosing on pills. The girlfriend believed his threat of suicide was credible, due to his past suicide attempts.

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The girlfriend stated Mr. Mackinnon continued to escalate and yell at her. He reportedly started throwing items and objects around the bedroom. She reported Mr. Mackinnon had allegedly threatened her for calling 911 in the past, so she was fearful to call 911. Instead, the girlfriend called her mother and told her mother to contact the undersigned officer. While on the telephone with her mother, Mr. Mackinnon allegedly broke a bedside table with a mirror on top. The girlfriend was seated on the bed when the mirror was broken. She attempted to stand up multiple times and Mr. Mackinnon allegedly pushed her back down each time she would stand up. Once Mr. Mackinnon cleaned up the debris, the girlfriend attempted to stand up again. Mr. Mackinnon again allegedly pushed her to the ground.

The girlfriend was reportedly able to stand to her feet and left the bedroom. She entered an adjacent bedroom. The girlfriend sat with her telephone in her hand and her arms crossed in front of her body. Mr. Mackinnon allegedly entered the room and demanded she give him the telephone. She refused and stayed seated in the same position. Mr. Mackinnon attempted to pry her hands apart to expose her cellular telephone to remove it forcibly from her. He allegedly wrestled the girlfriend to the ground and she screamed for him to get off of her. Mr. Mackinnon allegedly restrained her on the ground and refused to release his grasp. The girlfriend attempted to push him off of her. After several minutes of struggling, the girlfriend was able to get free of Mr. Mackinnon and ran into the kitchen. He followed her into the kitchen and again pushed her to the ground and restrained her by holding her down. During this struggle, Mr. Mackinnon's father entered the kitchen and pulled him off of his girlfriend. Once his father pulled Mr. Mackinnon off of his girlfriend, she ran to a bedroom and waited there until she was contacted by law enforcement.

The girlfriend reported to the responding officer no injuries during this incident. The deputy did not observe any injuries on her.

The girlfriend also reported this was not the first time Mr. Mackinnon had acted in this way. She said he has pushed and shoved her before. She also described him as very controlling.

Another responding deputy spoke with Mr. Mackinnon's father. His father stated that when he arrived at the residence, Mr. Mackinnon and his girlfriend were mostly in a verbal argument. He observed Mr. Mackinnon place his girlfriend in a "bear hug" from behind. The father also reported Mr. Mackinnon was trying to get a cellular telephone away from his girlfriend. The father estimated the bear hug lasted for about 1-2 minutes. He was able to get Mr. Mackinnon off of his girlfriend and eventually calmed him down.

Based upon the information provided, the responding deputy developed probable cause to arrest Mr. Mackinnon for unlawful imprisonment - domestic violence and fourth degree assault - domestic violence.

Mr. Mackinnon was present and informed that he was under arrest. He was read his constitutional Miranda rights, to which he reportedly acknowledged and waived. When asked by the deputy about the events that occurred, Mr. Mackinnon stated he was having a mental health crisis and his anger gets the better of him at times, and he yelled at his girlfriend. He assured the deputy that no assault had occurred between any of the parties. Later during the arrest process, Mr. Mackinnon stated his girlfriend had punched him in the face. When asked why he did not initially report that information, Mr. Mackinnon stated, "I guess I forgot." He did not offer any other information in regards to the incident.

**Violation #5:** Shane Allen Mackinnon is alleged to have violated the conditions of pretrial release supervision by possessing a substance suspected to be marijuana on or about December 7, 2021.

On September 27, 2021, the undersigned officer reviewed the conditions of pretrial release supervision with Mr. Mackinnon. Mr. Mackinnon acknowledged an understanding of the conditions, which included standard condition number 9.

On December 7, 2021, U.S. Probation Officer (USPO) Jon Bot and the undersigned officer made contact with Mr. Mackinnon's girlfriend at his residence to follow up on the information listed in violation number 4 of this petition. The girlfriend advised Mr. Mackinnon was taken into custody earlier in the day. She granted USPO Bot and the undersigned officer access to the home to ask follow-up questions regarding the information alleged in violation number 4 of this petition.

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During this interview, the undersigned officer observed in plain view, on a table, a bag containing a green leafy substance in Mr. Mackinnon's bedroom. Based on the undersigned officer's training and experience, this substance was suspected to be marijuana. The girlfriend confirmed this substance was marijuana and was the property of Mr. Mackinnon.

PRAYING THAT THE COURT WILL ORDER A WARRANT AND WILL INCORPORATE THE ABOVE VIOLATION WITH VIOLATIONS PREVIOUSLY REPORTED TO THE COURT

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I declare under the penalty of perjury  
that the foregoing is true and correct.

Executed on: December 8, 2021

by s/Erik Carlson

Erik Carlson  
U.S. Pretrial Services Officer

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#### THE COURT ORDERS

- ☐ No Action
- ☒ The Issuance of a Warrant
- ☐ The Issuance of a Summons
- ☒ The incorporation of the violation(s) contained in this  
petition with the other violations pending before the  
Court.
- ☐ Defendant to appear before the Judge assigned to the case.
- ☐ Defendant to appear before the Magistrate Judge.
- ☐ Other



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Signature of Judicial Officer

12/8/21

Date